

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IGOR OGORODNIKOV,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

Case No. C20-0804-TSZ-MAT

ORDER STRIKING MOTION TO
DISMISS AND DIRECTING
GOVERNMENT TO FILE NEW
HABEAS RETURN

Petitioner initiated this 28 U.S.C. § 2241 habeas action *pro se* to obtain release from immigration detention or a bond hearing. (Dkt. 1.) On June 30, 2020, the Government filed a habeas return and motion to dismiss, arguing that Petitioner was subject to a final order of removal and therefore lawfully detained under 8 U.S.C. § 1231. (Dkt. 5.) Petitioner did not file a response. On September 2, 2020, the Government informed the Court that an immigration judge had granted Petitioner's motion to reopen his removal proceedings. (Dkt. 8.) Because Petitioner is no longer subject to a final order of removal, § 1231 no longer governs his detention. Thus, the Government's pending habeas return and motion to dismiss does not address the current basis for Petitioner's detention or explain why his should not be released or granted a bond hearing under the statute that now authorizes his detention.

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RETURN - 1

1 Accordingly, the Court STRIKES the Government's habeas return and motion to dismiss
2 (Dkt. 5) and ORDERS the Government to file a new habeas return **within 30 days** that addresses
3 the current basis for Petitioner's detention. The Clerk is directed to send copies of this order to the
4 parties and to the Honorable Thomas S. Zilly.

5 Dated this 8th day of September, 2020.

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8 Mary Alice Theiler
United States Magistrate Judge
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